

REMARKS

Applicants cancel claim 5. Claims 3, 7, and 10 have previously been canceled. Claims 1-2, 4, 6, 8-9, and 11-12 remain pending in the application. Applicants amend claims 1-2, 6, and 9 for further clarification. No new matter has been added.

Claims 1, 2, 6, and 9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In particular, the Examiner objected to the claim term “sandwiched” as being absent from the specification. Applicants respectfully submit that the phrase “sandwiched between two Layer-3 switches” uses the general term “sandwiched” that can readily be understood by one skilled in the art as denoting a structure of having two Layer-3 switches on either side of a Layer-2 switch, the Layer-2 switch thus being “sandwiched” between the two Layer-3 switches. Such general terminology does not require a verbatim definition for one skilled in the art to clearly understand the scope of the invention. Applicants, nevertheless, amend the claims to change “sandwiched” to “interposed,” and refer to page 16, lines 2-6 of the specification and Fig. 8 for an exemplary embodiment of the structural relationship of a Layer-2 switch being “interposed” between two Layer-3 switches. Accordingly, Applicants respectfully request that the Examiner withdraw the § 112 rejection.

Claims 1-2, 4-6, 8-9, and 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,532,233 to Matsunaga et al. in view of “RFC 3376.” Applicant amends claims 1-2, 6, and 9 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejection.

Again, the control mechanism of the claimed invention is applied to a communication network that includes at least one Layer-2 switch interposed between two Layer-3 switches, as shown in, e.g., FIG. 17. And again, the claimed invention provides for a discrimination

packet, other than an IGMP report message, being transmitted from a multicast receiving terminal to a multicast transmitting terminal so as to teach the Layer-2 switch of the existence of the multicast receiving terminal requesting distribution of the multicast packets under the Layer-2 switch, wherein the discrimination packet includes an IP header and MAC header and wherein the IP source address and MAC source address are an IP address and MAC address of a multicast group to which said multicast receiving terminal (receiver) belongs.

The Examiner, in maintaining the claim rejection, apparently relied upon the description in Matsunaga et al. of an IGMP Membership Report Message Packet as alleged suggestion of the claimed discrimination packet. Matsunaga et al., as cited and relied upon by the Examiner, only describe, however, a center station 20 generating IGMP Membership Query Messages, and receiving IGMP Membership Report Messages. (Fig. 7 and its corresponding description in Matsunaga et al.) In other words, Matsunaga et al., as cited and relied upon by the Examiner, merely describe conventional IGMP, which is a protocol for communications between a receiver and a multicast router, being transmitted from a receiving terminal to an adjacent multicast router, or Layer-3 switch, and not beyond the multicast router or Layer-3 switch.

Thus, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine Matsunaga et al. and RFC 3376, such a combination would still have failed to disclose or suggest the claimed discrimination packet transmitted from a multicast receiving terminal to a multicast transmitting terminal when sending an IGMP-JOIN packet, for teaching a Layer-2 switch of the existence of the multicast receiving terminal requesting distribution of multicast packets under the Layer-2 switch, where a multicast packet is distributed from the multicast transmitting terminal

(source) through at least the Layer-2 switch interposed between two Layer-3 switches to a plurality of multicast receiving terminals (receivers).

Accordingly, Applicants respectfully submit that claim 1 is patentable over Matsunaga et al. and RFC 3376, separately and in combination, for at least the foregoing reasons. Claims 2, 6, and 9 incorporate features that correspond to those of claim 1 discussed above, and are, therefore, together with claims 4, 8, and 11-12 dependent therefrom, respectively, patentable over Matsunaga et al. for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Dexter T. Chang/

Dexter T. Chang

Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384

Fax: (212) 940-8986 or 8987

Docket No.: FUJA 21.051 (100794-00577)

DTC:tb